

REPLY AND AMENDMENT October 30, 2003
U.S. Serial No. 10/020,044
REMARKS

Continued prosecution and reconsideration of the above-identified application is respectfully requested in view of the amendments above and the discussion that follows.

Claims 1-14 and 16-10 were amended and new claims 22-24 added, together with the required fee.

Claims 1-24 are in the case and are before the Examiner.

I. The Amendments

Claims 1-14 and 16-20 were amended to conform the wording to U.S. practice. Support for this amendment is found in the originally-filed specification and claims.

It is thus seen that no new matter has been added.

II. The Rejections

1. Rejection under 35 U.S.C. § 101

Claims 2-14, 16, 17, 19 and 20 stand rejected under 35 U.S.C. § 101 as allegedly improper process claim for reciting a use without setting forth any steps.

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The amendment of claims 1-14 and 16-20 rewords the claim in a manner that recites a step(s), thus amended as a process claim to comply with 35 U.S.C. § 101 to claim a new use of the recited composition of matter as provided under 35 U.S.C. § 100(b). In view of the present amendment, it is respectfully requested that this basis for rejection of claims 2-14, 16, 17, 19 and 20 stand rejected under 35 U.S.C. § 101 be withdrawn.

2. Rejection under 35 U.S.C. § 112

Claims 1-21 stand rejected under 35 U.S.C. § 112 as allegedly failing to particularly point out and distinctly claim the subject matter regarded as the invention by the applicant.

Claims 1, 15 and 18 were rejected for use of the phrase "preferably consisting of". The present amendment rewords the claims to affirmatively state the limitations of the claims. The amendment thus addresses this ground of rejection, so it is respectfully requested that this ground of rejection of claims 1, 15 and 18 under 35 U.S.C. § 112 be withdrawn.

Claims 2-14, 16, 17, 19 and 20 were rejected as method/process claims reciting no steps. The

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present claim amendments reword the claims in a manner that conforms to U.S. practice to recite step(s). The amendment thus obviates this ground of rejection, and it is respectfully requested that this ground of rejection of claims 2-14, 16, 17, 19 and 20 under 35 U.S.C. § 112 be withdrawn.

Claim 21 was rejected due to its dependence upon (and incorporation of the limitations of) claim 15, which was rejected under 35 U.S.C. § 112. The present amendment of claim 15 addresses the ground of rejection of claim 15 under 35 U.S.C. § 112, and thereby the ground of rejection of claim 21. Therefore, it is respectfully requested that this ground of rejection of claim 21 under 35 U.S.C. § 112 be withdrawn.

SUMMARY

The bases for rejection of the claims have been dealt with or otherwise shown to be inapposite.

The application is believed to be in condition for allowance. An early notice to that effect is earnestly solicited.

A fee for the addition of three claims is enclosed. No further fee or petition is believed to be necessary. However, should any further fee be